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REMARKS

Claims 1-5, 8, 10-14, and 16-20, as amended, are pending in this application. In this Response, Applicants have amended independent claims 1, 5, 8, 12, and 16 to include subject matter indicated as allowable. Further, dependent claims have been cancelled to maintain consistency with the amendments to the independent claims.

In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents. As no new matter has been added, Applicants respectfully request entry of the amendments at this time.

ALLOWABLE SUBJECT MATTER

At page 7 of the Office Action, the Examiner indicated that claims 16 would be allowable if amended to overcome the rejection under 35 U.S.C. § 112(2). Moreover, claims 7, 9-11, and 15 were indicated to be allowable if rewritten in independent form. In response, Applicants have amended claim 16, as discussed below, to overcome the § 112(2) rejection. Moreover, claims 1, 5, 8, and 12 have been rewritten to include the subject matter indicated as allowable. In light of these amendments, Applicants submit that the entirety of the pending claims are in condition for allowance.

THE REJECTIONS UNDER 35 U.S.C. § 112

At page 2 of the Office Action, the Examiner rejected claim 16 under 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner stated that it was unclear what the branching output of the wavelength selecting means referred to. Further, the Examiner was unclear as to how the first filter means receives a second light and outputs a first reference light source. Additionally, the Examiner stated that there was insufficient antecedent basis for the recitation of "input light" in claim 5.

In response, Applicants have amended claim 16 as shown above. Moreover, Applicants submit that the first filter means is recited as having two features. First, the first filter means inputs the second light. Second, the first filter means selectively transmits light of the output light wavelength of the first reference light source. Thus, to answer the Examiner's question in the

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Office Action, the first filter means does receive the first reference light. Finally, Applicants submit that claims 5 recites "an input light," and as such, has sufficient antecedent basis. (emphasis added).

In light of these amendments, Applicants submit that the Examiner's rejections have been overcome. As such, reconsideration and allowance of the pending claims is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 102

At pages 3-7 of the Office Action, the Examiner rejected claims 1-6, 8, and 12-14 under 35 U.S.C. § 102(b) as being obvious over Japanese Patent No. JP 2000-241782 to Kai *et al.* ("Kai"). As discussed above, however, Applicants have amended the claims to include subject matter indicated as allowable by the Examiner. As such, Applicants submit that the Examiner's § 102 rejections are moot.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments and remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith extending the time for response three months to and including May 26, 2008. No other fees are believed to be due at this time. Should any other fees be due, please charge them to Deposit Account No. 50-4545, Order No. 19546.0048.

Respectfully submitted,
HANIFY & KING, P.C.

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By: 

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